

## REMARKS:

This communication is in response to the detailed Office Action mailed December 14, 2004. Applicant has amended the specification. The Examiner's comments and rejections are addressed below:

### **The 35 U.S.C. § 103(a) Rejections**

#### **Sakata in View of Hoek: Rejection of Claim 5**

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication Number 2003-212044 ("Sakata") in view of U.S. Patent No. 6,116,743 ("Hoek"). Applicant respectfully traverses this rejection. In this amendment, Applicant has amended claim 5 for further clarity to recite "a clip on said base cover and positioned corresponding to said clip fastening hole." No new limitations are added to the claim.

This rejection cannot be sustained at least because the Examiner has not demonstrated that *prima facie* obviousness exists by showing that the combination of Sakata and Hoek teaches each and every limitation of claim 5. Sakata discloses an outside rear view mirror fixing structure that includes a base hinged to a mirror housing configured and dimensioned with a coupling, a fastening hole positioned corresponding to the coupling and equipped with a clip fastening hole, and a clip attached to the base and is positioned through the clip fastening hole. Hoek teaches a mounting bracket with a base and base cover for attaching a mirror housing to a vehicle.

The combination of Sakata and Hoek would only teach an outside rear view mirror fixing structure where the clip protrudes from the base, not the base cover, because neither Sakata nor Hoek teaches the use of a clip on the base cover that is positioned corresponding to a clip fastening hole, as recited by claim 5. In light of the foregoing, the Examiner has not established that the combination of Sakata and Hoek teaches each and every limitation of claim 5, thereby not satisfying the criteria for *prima facie* obviousness. Applicant, therefore, respectfully requests withdrawal of this rejection.

#### **Sakata in View of Hoek: Rejection of Claim 1**

Furthermore, the Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication Number 2003-212044 (“Sakata”) in view of U.S. Patent No. 6,116,743 (“Hoek”). Applicant also respectfully traverses this rejection. Again, claim 1 has been amended for further clarity and no new limitations added.

As discussed above, the combination of Sakata and Hoek would only teach an outside rear view mirror fixing structure where the clip protrudes from the base, not the base cover, because neither reference teaches a clip integrally formed on the base cover that is positioned corresponding to a clip fastening hole. Based on this, the Examiner has not demonstrated that Sakata in view of Hoek teaches each and every limitation of claim 1, and *prima facie* obviousness has not been satisfied. Therefore, Applicant respectfully requests withdrawal of this rejection.

#### Sakata in View of Hoek Further in View of Dolan

The Examiner has rejected claims 2-4 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication Number 2003-212044 (“Sakata”) in view of U.S. Patent No. 6,116,743 (“Hoek”) and further in view of U.S. Patent No. 6,039,449 (“Dolan”). Applicant respectfully traverses this rejection.

As discussed before, the combination of Sakata and Hoek does not teach each and every limitation of claim 1. Since claims 2-4 depend on claim 1, Sakata in view of Hoek does not teach each and every limitation of claims 2-4. With regard to Dolan, it does not remedy the deficiencies of the combination of Sakata and Hoek because it does not disclose a clip that is integrally formed on the base cover and positioned corresponding to the clip fastening hole. It is relevant that Dolan discloses a clip having a hollow part at the free end, a peripheral surface of the clip having the same diameter as the clip fastening hole, and a clip made of soft plastic.

Based on the foregoing, the Examiner has not established that Sakata in view of Hoek and further in view of Dolan teaches each and every limitation of claims 2-4. Therefore, the requirements for *prima facie* obviousness has not been met, and Applicant respectfully requests withdrawal of this rejection.

#### Objections to the Drawings

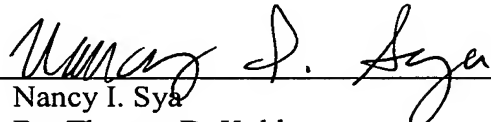
The Examiner has objected to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) because they include reference numeral 9, shown in Fig. 1, without being mentioned in the description. Accordingly, Applicant has amended Paragraph [0011] by adding reference numeral 9 next to the female screw at line 4 of the paragraph. Applicant believes that no new matter was added through this amendment. Based on the above, Applicant respectfully requests withdrawal of these objections.

**Conclusion**

In light of the present amendments and the above arguments, Applicant believes claims 1-5 are now allowable and the rejections moot. Should the Examiner have any continuing objections or concerns, the Examiner is respectfully asked to contact the undersigned in order to expedite allowance of this case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0146).

Respectfully submitted,

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